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Message Text

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PAGE 01 STATE 076400
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DRAFTED BY L/M:HSBURMAN:EJS
APPROVED BY L/M:KE;ALMBORG
FBO - MR.PROSSER (SUBS)
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----------120184 241729Z /64
R 241410Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY BONN

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FOR LEGAL ADVISER PETER PFUND

E.O. 11652: N/A

TAGS: ACLM

SUBJECT: VON CARSTANJEN PROPERTY CLAIM

1. ATTORNEY REPRESENTING CLAIMANT WITH WHOM DEPT HAS BEEN IN CONTACT, MR. WALTER KARABIAN, OF LAW FIRM KARNS AND KARABIAN OF LOS ANGELES, HAS REQUESTED MEETING WITH EMBASSY LEGAL ADVISER ON APRIL 5 AND 6 IN ORDER DISCUSS MERITS OF CLAIMS AND PROPOSALS FOR SETTLEMENT. DEPT HAS INDICATED THAT WE WOULD FACILITATE MEETINGS EITHER IN BONN OR WASHINGTON, IN ORDER RESOLVE LONG-STANDING CLAIMS INVOLVED.

2. OFFICE OF LEGAL ADVISER AS AGAIN REVIEWED DOCUMENTS RELATING TO VARIOUS CLAIMS INVOLVED. WE TENTATIVELY ARE INCLINED TO AGREE WITH CONCLUSIONS PRESENTED BY EMBASSY ATTORNEY HENRY WALDSTEIN, DATED JANUARY 14, 1976, ALTHOUGH
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NOT NECESSARILY ON SAME GROUNDS. IF IN THIS CONNECTION IT IS ULTIMATELY CONCLUDED THAT LIABILITY MAY BE ESTAB-LISHED IN CONNECTION WITH CERTAIN PROCEEDS RESULTING FROM SALE OF THE IN DER MAAR PROPERTY, WE FEEL THAT A SETTLEMENT OFFER MIGHT BE DEVELOPED. WE

HAVE CONCLUDED THAT THE CLAIMANT HAS FAILED TO ESTABLISH

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EVIDENCE SUPPORTING DURESS ALLEGED TO HAVE OCCURRED IN CONNECTION WITH THE 1951 SALES TRANSACTION. IN THAT REGARD, THE DEPT DOES NOT HAVE RECORDS RELATING TO DIPOSITIONAL HEARINGS PREVIOUSLY CONDUCTED BY THE COURT OF CLAIMS IN 1956 PRIOR TO DISMISSAL OF THE PENDING SUIT AGAINST THE UNITED STATES INITIATED BY VON CARSTANJEN. DOES EMBASSY HAVE ANY RECORDS RELATING TO THOSE HEARINGS OR DEPOSITIONS?

3. PLEASE ADVISE AS TO PROPOSED SCHEDULE FOR BONN MEETINGS AND WE WILL REQUEST KARABIAN TO NOTIFY EMBASSY OF ACTUAL ETA. VANCE

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SAS ID: 3208971
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Status: NATIVE
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TAGS: ACLM
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